

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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THOMAS A. BODY,  
DARLENE BODY,

Plaintiffs,

v.

Case No. 2:10-cv-02249-STA-cye

MARRIOTT HOTEL  
SERVICES, INC.,

Defendant.

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**ANSWER**

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COMES NOW the Defendant, Marriott Hotel Services, Inc. (hereinafter referred to as "Marriott" or "Answering Defendant") and for answer to the complaint filed herein against it would respectfully show to the Court that:

1. Upon information and belief, it admits the allegations concerning residency and status of the Plaintiffs as set forth in paragraph 1 of the Complaint.

2. Answering Defendant admits that it is a corporation which is properly authorized to do business within the State of Tennessee and that this Court has jurisdiction over the parties.

3. Answering Defendant admits that it operates the hotel property located at 250 North Main Street, Memphis, Tennessee and further admits the remaining allegations in paragraph 3 of the Complaint.

4. Answering Defendant admits that service of process is proper in this cause. The remaining allegations in paragraph 4 of the Complaint are denied.

5. The allegations of paragraph 5 of the Complaint are denied.

6. Answering Defendant denies the allegations of negligence in paragraph 6 of the Complaint. In response to the remaining allegations in paragraph 6 of the Complaint, it alleges that it is without knowledge or information sufficient to form a belief as to the truth of any of the allegations concerning the Plaintiffs' claimed injuries, damages, and/or losses and, therefore, denies same.

7. Answering Defendant denies that Plaintiff are entitled to any of the claimed damages in their prayer for relief.

8. For further and affirmative defense, Answering Defendant alleges that the Plaintiff's own conduct was the direct and proximate cause of his injuries, damages and/or losses, if any, and thus the doctrine of comparative fault applies to this cause. Further, Answering Defendant alleges that the overall cause of Plaintiff's slip, trip or fall was the exclusive result of the Plaintiff's own conduct and, therefore, he was fifty (50) percent or more at fault for his own injuries which bars recovery under the doctrine of comparative fault.

9. For further and affirmative defense, Answering Defendant alleges that the condition that the Plaintiff claimed caused or contributed to his slip, trip or fall was open and obvious to anyone paying attention to their safety and, therefore, the Plaintiffs' claims are barred.

10. Answering Defendant denies that it is liable to the Plaintiffs under any theory of law or fact.

11. All other allegations and averments not hereinabove admitted, explained or denied are here and now specifically and categorically denied.

12. And now, having fully answered Plaintiffs' Complaint and each and every numbered paragraph therein, Answering Defendant, Marriott Hotel Services, Inc, prays that this cause be dismissed and that it be allowed to go hence with its reasonable costs.

MARRIOTT HOTEL SERVICES, INC. DEMANDS A JURY TO TRY THE ISSUES  
HEREIN WHEN JOINED.

Respectfully submitted,

SHUTTLEWORTH WILLIAMS, PLLC.

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**Attorneys for Marriott Hotel Services, Inc.**

CERTIFICATE OF SERVICE

I hereby certify that on June 30 , 2010, a copy of the foregoing was filed electronically through the Court's ECF system. A copy of this document will be sent via United States mail, postage prepaid, to:

Barry L. Roseman  
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